

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD R. FLYNN, GENE DAISEY,)	
DOUGLAS J. ABBOTT, PERCY CHAPMAN,)	CIVIL ACTION
and JANENE CHAPMAN, individually and on behalf of all others similarly situated)	CLASS ACTION
)	
Plaintiffs,)	Case No. 2:17-cv-04806-WB
)	
v.)	
)	
MANUFACTURERS AND TRADERS TRUST)	
COMPANY a/k/a M&T BANK,)	
)	
Defendant.)	
)	
)	
)	

**JOINT MOTION TO CONTINUE STAY AND
FOR ADJOURNMENT OF CLASS CERTIFICATION HEARING**

NOW COME Plaintiffs Edward R. Flynn, Douglas J. Abbott, Gene E. Daisey, Percy Chapman, and Janene Chapman (“Plaintiffs”) and Defendant Manufacturers and Traders Trust Company a/k/a M&T Bank (“M&T”, and together with Plaintiffs, the “Parties”), by and through their undersigned counsel, who hereby jointly request that the Court enter an Order continuing the current stay for an additional sixty (60) days and adjourning the July 25, 2022 hearing on Plaintiffs’ Motion for Class Certification. In support of this Joint Motion, the Parties state as follows:

1. On March 15, 2022, the Parties notified the Court that an agreement was reached on the major terms of a settlement and requested a stay. This agreement was reached by the Parties’ acceptance of terms proposed by Honorable Richard Lloret, acting as an intermediary, after numerous settlement conferences with Judge Lloret and extensive negotiations between the Parties. ECF 382.

2. On March 17, 2022 the Court granted the Parties' request and entered an Order vacating all deadlines, staying the case for sixty (60) days (through May 16, 2022), transferring the case to the Civil Suspense File, and directing the Clerk to mark the case closed for statistical purposes. ECF 383.

3. On May 14, 2022 the Parties notified the Court that, due to the complexity of the settlement, additional time was needed to resolve outstanding issues and requested that the stay be continued for 60 days, through and including July 18, 2022. ECF 388.

4. On May 16, 2022 the Court granted the Parties' request and entered an Order continuing the stay through July 18, 2022. ECF 389.

5. On June 2, 2022 the Court issued a Notice of Hearing on Plaintiffs' Motion for Class Certification, setting the hearing date for same on July 25, 2022. ECF 391.

6. To date, the parties have exchanged several rounds of revised drafts of settlement agreements (the most recent provided by defense on July 5), numerous written correspondence regarding the details of settlement, and have had various telephone conferences (the most recent on Friday, June 30) – all to collaboratively work toward documenting a full and final mutually agreeable class action settlement agreement.

7. A telephone conference is presently scheduled with Judge Lloret on July 12, 2022 to discuss the progress of the Parties regarding settlement.

8. As the Parties are making progress regarding settlement, they respectfully request that the Court adjourn the July 25, 2022 hearing date set for Plaintiffs' Motion for Class Certification so that resources are expended towards the settlement of this claim.

WHEREFORE, the Parties respectfully request that this Honorable Court enter an Order continuing the stay for an additional sixty (60) days through and including September 16, 2022 and adjourning the July 25, 2022 hearing on Plaintiffs' Motion for Class Certification. A proposed order is attached.

Respectfully submitted,

By: /s/Richard Shenkan
Richard Shenkan, Esq.
SHENKAN INJURY LAWYERS

James Haggerty, Esq.
**HAGGERTY, GOLDBERG,
SCHLEIFER & KUPERSMITH, P.C.**

Counsel for Plaintiffs

By: /s/ James P. Berg
James P. Berg, Esq.
Scott W. Parker, Esq.
Fred W. Hoensch, Esq.
Marissa Edwards, Esq.
PARKER IBRAHIM & BERG LLP

Alfred W. Putnam, Jr., Esq.
Michael P. Daly, Esq.
DRINKER BIDDLE & REATH LLP

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been sent to all counsel of record through the Court's ECF system.

SHENKAN INJURY LAWYERS, LLC.
/s/ Richard Shenkan
Richard Shenkan
Counsel for Plaintiffs

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MANUFACTURERS AND TRADERS TRUST)	
COMPANY a/k/a M&T BANK,)	
)	
Defendant.)	
)	

ORDER

AND NOW this ____ day of _____, 2022, upon consideration of the Parties' Joint Motion to Continue Stay and for Adjournment of Class Certification Hearing, it is hereby ORDERED that the requested relief is GRANTED.

The stay is continued through and including September 16, 2022, and the class certification hearing scheduled for July 25, 2022 is adjourned pending further order of court. The Court shall retain jurisdiction over this case, and entry of this Order shall not prejudice the rights of the parties to this litigation. The case shall remain in Civil Suspense and shall remain closed for statistical purposes pending further order of Court.

IT IS SO ORDERED.

BY THE COURT:

HON. WENDY BEETLESTONE, U.S.D.J.